

**0TOWN OF BUCKEYE
REGULAR COUNCIL MEETING
JULY 5, 2005
MINUTES**

**Town Council Chambers
100 N. Apache Road
Buckeye, AZ 85326
7:00 p.m.**

1. Call to Order/Pledge of Allegiance/Roll Call

Mayor Hull called the meeting to order at 7:00 p.m. In honor of Independence Day Mayor Hull invited Hank Dvojack of the Veterans of Foreign Wars to lead the pledge of allegiance.

Members Present: Councilman Meck, Councilman Beard, Vice Mayor Urwiller, Mayor Hull, Councilwoman May, Councilman Doster (joined the meeting by telephone until 8:57 p.m.), and Councilman Garza

Members Absent None

Departments Present Town Manager Carroll Reynolds, Town Attorney Scott Ruby, Town Clerk Linda Garrison, Deputy Clerk Lucinda Aja, Parks and Rec Director Jeanine Guy, Information Technology Director Dee Hathaway, Fire Chief Scott Rounds, Fire Marshall Bob Costello, Police Chief Dan Saban, Rick Morley representing Public Works, Human Resource Director Toni Brown, Finance Director Ron Brown, Community Development Director Bob Bushfield, Community Development Planner Ian Dowdy, Economic Development Director Richard Chapman, Town Engineer Woody Scoutten, Finance Director Ron Brown, and Lead Accountant Iris Wallace.

2. Comments from the Public – Members of the audience may comment on any item of interest

Tom Graham, a Sonora resident, spoke about progress of the wall and the wall to be built around the fire station .

Carol Jurn-did not like changes made in water rates and billing. She also expressed concern over the brick wall color in Sonora, the brick should be the same throughout. The Buckeye Police Department's response to her Mother's auto accident not satisfactory in her opinion because the driver who ran stop sign was not siteded.

See Item 5P for additional comments from public.

See Item 5Q for additional comments from public.

All items with an (*) are considered to be routine matters and will be enacted by one motion and vote of the Town Council. Councilman Beard requested that item *5C be pulled for discussion. Councilwoman May requested that item *5H be pulled for discussion. Motion made by Vice Mayor Urwiller and seconded by Councilwoman May to approve items *3, *4, *5A, *5B, *5D, *5E, *5F, and *5G. Motion passed unanimously.

CONSENT AGENDA

*3. Council approved of the minutes of the June 21, 2005 workshop and regular Council meeting, and the June 30, 2005 Special Council meeting as presented.

*4. Council approved invoices due by the Town for payment. Copies of invoices are available at Town Hall.

5. New Business

*5A. Council approved the Airport Consulting Services Contract Amendment No. 1 with Coffman Associates for a period from July 1, 2005 through June 30, 2006 for consulting services at the Buckeye Municipal Airport.

*5B. Council approved Addendum #1 to the Professional Services Agreement and renew the Agreement between Armstrong Consultants, Inc. and the Town of Buckeye for engineering services at the Buckeye Municipal Airport for the 2005-2006 Fiscal Year.

*5C. After some discussion about the future of the warranty of this agreement motion made by Vice Mayor Urwiller and seconded by Councilman Beard to table the authorization of the Town of Buckeye to attach to the City of Flagstaff's purchase contract for services, products and equipment provided by Mountain States and AMCO Meters pending the approval from the City of Flagstaff. Motion passed unanimously.

*5D. Council approved NIC (Network Infrastructure Corporation) to provide the network upgrade at the Social Services building to be funded from line item 010-89-598 Capital Outlay in the amount of \$17,937.34.

*5E. Council approved Amendment No. 1 to an existing contract with NFra, Project Number DG-0402 to provide additional survey, engineering, and construction administration services in the amount of \$7,700.00 to be funded from line item 071-50-705 Street Improvement.

*5F. Council adopted Resolution 52-05 amending Section 521 of the Town of Buckeye Personnel Rules & Policies by deleting Section 521.1 Emergency Sick Leave Reserve and Section 521.3 Retirement Assistance.

*5G. Council adopted Resolution 53-05 establishing fees for the cost involved in providing Requests for Public Information and copying fees.

*5H. Councilwoman May expressed her desire for more time for the Council to go over the applications. Motion made by Councilwoman May and seconded by Councilman Beard to table the appointment of two alternates to the Community Planning & Development Board and two members to the Fire and Police Pension Boards. Motion passed unanimously.

NON CONSENT AGENDA

Due to public interest Mayor Hull moved Item's **5P** and **5Q** to the front of the Non Consent Agenda.

5P. Sundance Towne Center VESTAR DEVELOPMENT SP05-16

Town Attorney Scott Ruby stated a conflict of interest because he also represents Wal-Mart. Attorney Susan Goodwin represented the Town for this item.

a. Receive Public Input on the proposed amendment to the Sundance Town Center

Craig Flynn-felt that Wal-Mart was a positive thing that would bring back a lot of business to Buckeye, and also pointed out that this is a site issue and not a Wal-Mart issue.

Kathy Connelly-would like to see Wal-Mart in Buckeye.

Carol Kempniak- stated that this is a site plan issue and not a Wal-Mart issue. Asked Council to not approve because of changes made by Vestar.

b. Council Action

Carroll Reynolds explained that this was a simply a request by Vestar to remove two interior walls on their site plan and this was a minor modification instead of a major modification as originally stated by the former Community Development Director. The current Director stated that this is a minor change and should have been handled internally by the Development Department. David Malin of Vestar showed a sketch of the proposed change and explained that originally the plan showed three different buildings to provide for more tenant flexibility. There are few anchor

tenants that can fill a space that large. Mr. Malin said that the Town had been informed of the possibility of changes from the beginning and that the Development Board was told that there are a variety of different stores that could be interested. Carroll Reynolds explained a traffic study done showed a minor traffic impact from stores located there. Attorney Susan Goodwin pointed out that Vestar had the right to appeal the Development Boards decision and that it was important for the Council to keep in mind that this is a site plan amendment and not a Wal-Mart issue and Council did not have the discretion to deny the site plan amendment based on the prospective user of the space. Vestar had hoped to model the Sundance Towne Center after the Happy Valley Center and it would conform to Buckeye's code elevations with the appearance of several different store elevations. Vestar expressed its willingness to assist the Town with traffic control. Woody Scoutten said that the traffic signal is currently being installed by Sundance and when development starts there needs to be a traffic control signal to Sundance Boulevard. Vestar would be responsible for signals for Watson and Sundance Avenue before the certificate of occupancy is issued. Mr. Malin addressed Council's concern about the building's vacancy in the event the original tenant should leave. Vestar would continue to landscape the lot and keep it lit in the event that the building could not be occupied. There is a deed restriction that the building would have to remain retail. Vestar would like to have a strong relationship and partnership with Buckeye. There are currently 40 projects like this statewide, Aqua Fria Town Center of 16 years being the oldest. Councilman Beard stated this is the largest decision that the Town has ever made. Motion made by Councilman Beard to table item 5P to further discuss with staff and the Town Engineer, and to study the issue further. There being no second the motion died. Toby Whyte of Kimberly Horne & Associates did a traffic impact analysis and showed that 38,000 trips on a six lane road that could handle 60,000 trips would come from all directions, not just from the East. Vice Mayor Urwiller was concerned about the traffic on Watson Road. Vestar showed willingness to work with the Town on those issues. Woody Scoutten said the interchange needs to be upgraded in the future especially the ramps. ADOT and MAG are discussing the possibilities. Motion made by Councilman Meck and seconded by Councilman Doster to approve the amended site plan to the Sundance Towne Center. Councilwoman May voted aye. Councilman Garza, Councilman Beard, Vice Mayor Urwiller, and Mayor Hull voted nay. Motion denied.

5Q. R. K. Sanders/J.H. Dykstra Co., Joint Venture for a Change Order No. 1 in the amount of \$19,953.60 for the Rancho Sunora Perimeter Wall Project.

Woody Scoutten stated that the block supplier has orders for gray block and that the color purple haze cannot be found at this time to finish the project. One solution is that gray block could be stained or painted. Mayor Hull invited the citizens who would like to address council on this issue to speak.

Mr. Brown-felt like the wall is crooked and the mortar is splattered and feels like a gray colored fence is unacceptable. He would like to see a quality wall built.

Debbie Johnson-stated that she knows that the purple haze color is available. She also questioned why there would be an additional \$19,000 to move her existing fence. Woody Scoutten said it was because it had to be relocated. Ms. Johnson said the footer is being packed with dirt and wondered why it was not being poured. Woody Scoutten explained that footer could not be poured until all the conditions are met.

Marie Mathers-said the contractors knew how much purple haze block would be needed and also feels like they should be fined.

JR. Adams-Would like to have a 16 foot gate instead of a 12 foot gate. Mayor Hull said to see the Town Manager for cost difference.

Mr. Howard- does not want a painted fence because it will have to be repainted to look nice.

Mr. Armstrong- does not want a painted fence because of the upkeep.

Mayor Hull asked staff to look for purple haze block through other distributors and bring it back to Council at a later date.

Motion made by Councilwoman May and seconded by Councilman Doster to approve the request from R. K. Sanders/J.H. Dykstra Co., Joint Venture for a Change Order No. 1 in the amount of \$19,953.60 for the Rancho Sunora Perimeter Wall Project. Motion passed unanimously.

5I. Map of Dedication for Agua Fria Union High School VERRADO MOD05-05

Motion made by Vice Mayor Urwiller and seconded by Councilwoman May Council to approve a Map of Dedication for Agua Fria Union High School. Motion passed unanimously.

5J. Final Plat within the Verrado Master Planned Community, known as Planning Unit IV, Parcel 4.807-VERRADO FP05-40

Motion made by Councilman Beard and seconded by Councilman Meck to Council to approve the Final Plat within the Verrado Master Planned Community, known as Planning Unit IV, Parcel 4.807 request by Biskind, Hunt & McTee, P.L.C. on behalf of DMB subject to stipulation (a). Site consists of 11.45 acres, 87 residential lots with lot sizes approximately 31'x83' and 31'x113'. Motion passed unanimously.

5K. Resolution 54-05 accepting public right-of-way located along the Thomas Road alignment west of the Sun Valley Parkway-STAR DUST-TARTESSO W12 ROW 05-01

Motion made by Councilman Meck and seconded by Councilwoman May to approve Resolution 54-05 accepting public right-of-way located along the Thomas Road alignment west of the Sun Valley Parkway which lies adjacent to the Tartesso West Master Planned Community in a portion of Section 32, Township 2 North, Range 4 West, of the Gila and Salt River Base and Meridian. Motion passed unanimously.

5L. Map of Dedication for Tartesso Unit 2, in the Tartesso West Master Planned Community-TARTESSO MOD 05-08

Motion made by Councilman Beard and seconded by Councilman Meck to approve a Map of Dedication for Tartesso Unit 2, in the Tartesso West Master Planned Community. Motion passed unanimously.

5M. Final Plat known as Tartesso Unit 2B in the Tartesso West Master Planned Community-TARTESSO FP04-358

Attorney Steve Earl told Council corrections are in the staff report and they are in full conformance. Motion made by Councilman Meck and seconded by Councilwoman May to approve a Final Plat known as Tartesso Unit 2B in the Tartesso West Master Planned Community requested by Kris Harmon of Stardust Communities on behalf of Tartesso Unit 2B. Site consists of approximately 475 acres and will be mostly medium density with various lot sizes. Motion passed unanimously.

5N. Ordinance 28-05-Annexation- CHARLES JOHNSON TRUST A05-10

Motion made by Vice Mayor Urwiller and seconded by Councilman Beard to adopt Ordinance 28-05 increasing the corporate limits of the Town of Buckeye, by annexing certain territory contiguous to the existing town limits of the Town of Buckeye, Arizona and read by title only requested by Manjula Vaz of Gammage and Burnham, PLC, on behalf of the Charles Johnson Trust of approximately 593 acres located north of the Glendale Avenue alignment, south of the Northern Avenue alignment, west of the Johnson Road alignment and east of 315th Avenue alignment. Motion passed unanimously.

5O. Ordinance 29-05 amending the Land Use District Map of the Town of Buckeye on approximately 593 acres in that area generally located west of the northwest corner of Glendale Avenue and Johnson Road -JOHNSON/LENNAR RZ05-08

Motion made by Vice Mayor Urwiller and seconded by Councilman Meck to Council to adopt Ordinance 29-05 amending the Land Use District Map of the Town of Buckeye on approximately 593 acres in that area generally located west of the northwest corner of Glendale Avenue and Johnson Road from Maricopa County Zoning R-43 to the Planned Community (PC) Land Use District and read by title only requested by Manjula Vaz of Gammage and Burnham, PLC on behalf of Charles Johnson, property owner, and Lennar Communities Development Inc. Motion passed unanimously.

5R. Resolution 56-05 approving the form of a Land Development Project Improvement Agreement

Town Attorney Scott Ruby stated this resolution prepares the Town for future growth. Motion made by Councilman Meck and seconded by Councilwoman May to Council to adopt Resolution 56-05 approving the form of a Land Development Project Improvement Agreement (posting financial guarantees) and authorizing the Town Manager to sign the agreement on behalf of the Town. Motion passed unanimously.

5S. Public Hearing –Liquor License Request by Jesus S. Meraz

Mayor Hull opened a public hearing to hear citizen input on the liquor license request by Jesus S. Meraz for a Series 10 liquor license at 502 E. Monroe Avenue at 9:08 p.m. There being no comments from the public the hearing was closed at 9:08 p.m.

5T. License Request by Jesus S. Meraz

Town Attorney Scott Ruby suggested the reason for denial be stated for the record. Council stated the first denial was because it was 295 feet from a school building and there is a 300 foot minimum distance from a school for operating with a liquor license. This request shows 320 feet from a school building and they are accepting the first measurement of 295 feet from the Chief Building Official's measurements. Motion made by Councilwoman May and seconded by Councilman Meck to deny the liquor license request by Jesus S. Meraz for a Series 10 liquor license at 502 E. Monroe Avenue. Motion passed unanimously.

5U. \$15,000 to the Main Street Coalition for use in the Fast Grant Program

Council requested an audit and list of receipts for the use of Town monies. Town Manager Carroll Reynolds agreed for audit purposes it would be a good to list the uses of the Town Money. Motion made by Councilman Beard and seconded Vice Mayor Urwiller to approve and authorize the transfer of \$15,000 to the Main Street Coalition for use in the Fast Grant Program. Motion passed unanimously.

5V. Phase I Analysis and the Purchase of Properties in the Town Square Area

Motion made by Councilman Beard and seconded by Councilman Meck to Council to approve and authorize a Phase I analysis and the purchase of properties in the Town Square area in an amount not to exceed \$425,000. Motion passed unanimously.

5W. Cooperative Purchasing Agreement with The Cooperative Purchasing Network (TCPN)

Motion made by Councilman Meck and seconded by Councilman Beard to Council to approve entering into a Cooperative Purchasing Agreement with The Cooperative Purchasing Network (TCPN) sponsored by Pinal County. Motion passed unanimously.

5X. Planning and Architectural Services presented by LEA – Architects LLC in the amount not to exceed \$54,600

Councilman Meck left the discussion at 9:22 p.m. and returned at 9:27 p.m. Carroll Reynolds explained that this is a service that will analyze the Town's space needs for a new Town Hall. Motion made by Councilwoman May and seconded by Vice Mayor Urwiller to Council to approve the proposal for Planning and Architectural Services presented by LEA – Architects LLC in the amount not to exceed \$54,600 for Tasks 1 and Task 2 and Task 3 fees to be negotiated. Motion passed unanimously.

5Y. 112x60 Modular Structure –Temporary Town Hall Building

Carroll Reynolds explained that the Town would own, not lease the building and it would serve our needs for the next 4 or 5 years until a permanent facility is built. It will take approximately 90 days from the order date to arrive for Town use. Motion made by Councilwoman May and seconded by Councilman Meck to approve the acquisition of a new 112x60 modular structure which will accommodate approximately 25 Town employees in the amount of \$584,640 with a building contingency of \$87,696. Councilman Beard and Mayor Hull voted nay. Councilman Garza and Vice Mayor Urwiller voted aye. Motion carried.

6. Town Manager's Report

- Flood Control District will be starting a new program for flood prone land.
- Meeting Wednesday for the El Rio Project.

- Discussing options for freeway interchange locations with ADOT possibly extending Watson to MC 85 for alternate traffic flow.

7. Comments from the Mayor and Council

Councilman Meck-Thanked Town employees and departments for their participation in a wonderful 4th of July celebration. El Rio will be meeting at Estrella Mountain Ranch on Wednesday night.

Councilman Beard-None

Vice Mayor Urwiller-None

Councilwoman May-Would like to see audit of Main Street use of Town monies.

Councilman Doster-Absent

Councilman Garza-Received a lot of feedback about the fireworks display not being in Buckeye or Hawk Stadium.

Mayor Hull-Fireworks display nice but also received feedback from citizens wanting it back in Buckeye.

8. Adjournment

There being no further business to come before Council motion made by Councilman Meck and seconded by Councilwoman May to adjourn the meeting at 9:43 p.m. Motion passed unanimously.

Dustin Hull, Mayor

ATTEST:

Linda Garrison, Town Clerk

I hereby certify that the foregoing is a true and correct copy of joint meeting of the Regular Council Meeting held on 5th day of July, 2005. I further certify that a quorum was present.

Linda Garrison, Town Clerk